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In re Application of
Pylkki, et al. :
Application No. 10/823,235 : **ON PETITION**
Filed: 13 April, 2004 :
Attorney Docket No.: A202 1441.2 :

This is a decision on the petition filed (with fee) on 3 March, 2006, to expunge a document from the file and considered under 37 C.F.R. §1.59.¹

The petition under 37 C.F.R. §1.59 is **DISMISSED**.

The instant application was filed on 13 April, 2004, and thereafter Petitioner filed a series of

¹ The regulations at 37 C.F.R. §1.58 provide:
§1.59 Expungement of information or copy of papers in application file.
(a)(1) Information in an application will not be expunged and returned, except as provided in paragraph (b) of this section. See §1.618 for return of unauthorized and improper papers in interferences.
(2) Information forming part of the original disclosure (*i.e.*, written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§1.63 and 1.175) will not be expunged from the application file.
(b) An applicant may request that the Office expunge and return information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge and return information from an application must include the fee set forth in § 1.17(h) and establish to the satisfaction of the Commissioner that the return of the information is appropriate.
(c) Upon request by an applicant and payment of the fee specified in §1.19(b), the Office will furnish copies of an application, unless the application has been disposed of (see §1.53(e), (f) and (g)). The Office cannot provide or certify copies of an application that has been disposed of.
[48 FR 2710, Jan. 20, 1983, effective Feb. 27, 1983; 49 FR 554, Jan. 4, 1984, effective Apr. 1, 1984; 49 FR 48416, Dec. 12, 1984, effective Feb. 11, 1985; 50 FR 23123, May 31, 1985, effective Feb. 11, 1985; revised, 60 FR 20195, Apr. 25, 1995, effective June 8, 1995; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (b) revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000]

Information Disclosure Statements (generally filed on Form PTO/SB/08A/B, in lieu of PTO Form 1449A) (IDS), with the most recent having been deposited by Petitioner with the Office on 13 February, 2006.

Petitioner wishes to remove the copy reference identified as 314 on sheet 22 of 23 of the Supplemental IDS deposited of record on 13 February, 2006.

However, what Petitioner seeks constitutes the alteration of part of a document, which is not an action subject of 37 C.F.R. §1.59.

Petitioner may alternatively submit a substitute of the PTO/SB/08A/B to be substituted and considered by the Examiner in the place of the document deposited on 13 February, 2006.

For this purpose, Petitioner is given one (1) month, which period is *not* extendable under the provisions of 37 C.F.R. §1.136, and in no case less than 30 days within which to file this replacement document, which the Examiner may substitute for the IDS containing the improvident reference and then consider in due course.

The instant application is released to Technology Center 3600 to await for one (1) month, and in no case less than 30 days, from the mail date of this decision for the Petitioner to submit the filing described above before further processing in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3214.



John J. Gillon, Jr.
Senior Attorney
Office of Petitions